

REMARKS

Claims 1, 3, 5-8, 10, and 12-14 are now pending in the application. Claims 2, 4, 9, 11, and 15-17 have been cancelled without prejudice. Claims 18-21 are withdrawn. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the claim amendments and remarks contained herein. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 112, P1

Claims 1, 3, 5-8, 10 and 12-14 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Claims 1 and 8 have been amended, deleting the language in the last paragraph of claims 1 and 8 that set forth that the pin moved out of contact and back into contact with the lifting shoe. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

Furthermore, claims 1 and 8, as currently amended, do not read upon U.S. Patent No. 2,969,815. The '815 patent was cited by the Examiner as 35 U.S.C. § 102(b) prior art to the previous versions of claims 1 and 8.

Claims 1 and 8 have been currently amended to read, in relevant part, as follows: “. . .the tension handle rotates the tension crank causing the pin to rotate about the tension crank when the tension handle is moved,

wherein the tension handle, when in the first position, rotates the pin to a position where the pin abuts the lifting shoe and releases tension from the band saw blade and, when in the second position, rotates the pin to a position where the pin contacts and moves the lifting shoe, and applies tension to the band saw blade.”

Applicant submits that the meat cutting saw disclosed in the '815 patent fails to teach, disclose, or suggest a tension handle that rotates a tension crank causing a pin to rotate about the tension crank when the tension handle is moved, wherein the tension handle, when in the first position, rotates the pin to a position where the pin abuts a lifting shoe and releases tension from a band saw blade and, when in the second position, rotates the pin to a position where the pin contacts and moves the lifting shoe, and applies tension to the band saw blade.

First, the '815 does not disclose a tension handle that rotates a tension crank. In the Office Action dated May 5, 2005, the Examiner identified adjustment handle 32 and tension rod 26 as purportedly being equivalent to the tension handle and tension crank of claims 1 and 8, respectively. The adjustment handle 32 does not rotate the tension rod 36. Rather, the adjustment handle 32 moves tension rod 36 in a vertical linear fashion.

Second, the '815 patent does not disclose a pin that rotates about a tension crank. In the Office Action dated May 5, 2005, the Examiner identified pin 56 as allegedly being equivalent to the pin of claims 1 and 8. However, the pin 56 cannot rotate but can only move in a linear fashion in vertical guide channels 60 and 62.

Finally, the '815 patent does not disclose a pin that rotates to a position where the pin contacts and moves the lifting shoe. The pin 56 does not function to move the indicator body 28, which was identified by the Examiner in the Office Action dated May 5, 2005 as allegedly being equivalent to the lifting shoe of claims 1 and 8. Instead, the indicator body 28 is moved by the threaded rod 26, which in turn, moves the pin 56.

Therefore, the '815 patent does not disclose, suggest, or teach that which is set forth in claims 1 and 8.

REJECTION UNDER 35 U.S.C. § 112, P2

Claims 1, 3, 5-8, 10 and 12-14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claims 1, 7, 8 and 14 have been amended to overcome all rejections under this section. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 716-2886.

Respectfully submitted,

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